

JOHN CONYERS, JR., Michigan
CHAIRMAN

HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
LINDA T. SANCHEZ, California
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
BETTY SUTTON, Ohio
LUIS V. GUTIERREZ, Illinois
BRAD SHERMAN, California
TAMMY BALDWIN, Wisconsin
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
ARTUR DAVIS, Alabama
DEBBIE WASSERMAN SCHULTZ, Florida
KEITH ELLISON, Minnesota

ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

June 18, 2008

LAMAR S. SMITH, Texas
RANKING MINORITY MEMBER

F. JAMES SENSENBRENNER, JR., Wisconsin
HOWARD COBLE, North Carolina
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
STEVE CHABOT, Ohio
DANIEL E. LUNGREN, California
CHRIS CANNON, Utah
RIC KELLER, Florida
DARRELL E. ISSA, California
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TOM FEENEY, Florida
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio

The Honorable Michael B. Mukasey
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

We were extremely disappointed by the Department's June 13, 2008, letter, which refused to produce or provide our Committee with access to FBI interview reports concerning Special Counsel Patrick Fitzgerald's investigation concerning the leak of the covert identity of CIA officer Valerie Plame Wilson and related matters, and specifically refused to provide the same access to those materials as provided to the Committee on Oversight and Government Reform ("Oversight Committee"). There is absolutely no proper basis for this action. In addition, we are very concerned that the Department still has not provided our Committee with many of the documents referred to in our May 9, 2008, letter relating to selective prosecution and other subjects. Some of these requests have been pending for more than a year. Unless we receive a clear commitment to promptly produce these documents by next Tuesday, June 24, 2008, we will have little choice but to resort to compulsory process.

As the House Committee with principal oversight jurisdiction concerning the Department of Justice, the Judiciary Committee has long been interested in Mr. Fitzgerald's investigation and related subjects. In addition to correspondence and other communications with his office and review of related materials, the Committee and its Commercial and Administrative Law Subcommittee have held hearings on the implementation of the Department's special counsel regulations, at which Mr. Fitzgerald himself testified, and on the use and misuse of the President's clemency power, which focused in large part on the prosecution that resulted from Mr. Fitzgerald's investigation. The Committee has scheduled a hearing for this Friday to hear testimony from former Presidential Press Secretary Scott McClellan, focusing on his recent revelations concerning possible additional obstruction of justice by White House officials concerning the Wilson leak. Accordingly, Chairman Conyers formally requested access to the FBI interview reports in a letter to you on June 5, 2008.

The Honorable Michael B. Mukasey
June 18, 2008
Page Two

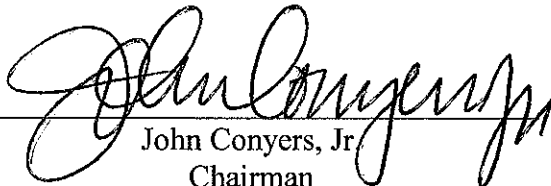
Astonishingly, however, in a June 13, 2008, letter from Principal Deputy Assistant Attorney General Keith Nelson, the Department refused to provide the Judiciary Committee with even the same access to these reports as provided to the Oversight Committee. The letter claimed the authority to unilaterally choose only one Committee to cooperate with and asserted that our Committee cannot exercise any oversight relating to possible criminal misconduct at the White House.


This is patently absurd and an affront to the entire Congress. Congressional committees often exercise overlapping jurisdiction, and it is for Congress, not the Executive Branch, to determine that jurisdiction; indeed, the Judiciary and Oversight Committees have been cooperating closely in this and other matters. House rules make clear that the Judiciary Committee has jurisdiction over the Justice Department and over "criminal law enforcement." See House Rule XI(k)(7). Both the rules and our previous oversight activity concerning the Fitzgerald investigation plainly encompass the current inquiry, and the notion that our oversight concerning criminal law enforcement should somehow stop at the gates of the White House has no proper basis. In addition, despite your professed cooperation with the Oversight Committee, we note that earlier this week, Chairman Waxman was forced to issue a subpoena for unredacted FBI reports and other documents withheld by the Department. The Department should immediately agree to provide the requested materials to both committees.

We are also extremely concerned about the Department's failure to provide the Committee with many of the documents described in our May 9 letter to you. That letter restated pending document requests on a range of subjects, some more than a year old, and asked that you instruct your staff to agree on a specific schedule for production of those materials by May 16. Although some of the materials requested have since been produced, neither a schedule nor the documents themselves have been provided with respect to a number of our requests concerning selective prosecution, the Civil Rights Division, and other matters.

Accordingly, we request that by next Tuesday, June 24, 2008, the Department agree to a firm schedule to promptly produce or provide access to the requested FBI interview reports and all the materials described in our May 9, 2007, letter, or we will have little choice but to resort to compulsory process. Please address any questions and responses to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680).

Sincerely,


John Conyers, Jr.
Chairman


Linda T. Sánchez
Chairwoman, Subcommittee on Commercial
and Administrative Law

The Honorable Michael B. Mukasey
June 18, 2008
Page Three

cc: Hon. Robert Mueller
Hon. Lamar S. Smith
Hon. Chris Cannon
Hon. Henry Waxman
Hon. Thomas M. Davis, III
Keith Nelson